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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 JAMES JARDINE, ) Case Nos. 10-3335 SC  
8 Plaintiff, )  
9 v. ) ORDER DENYING WITHOUT  
10 ) PREJUDICE DEFENDANT'S MOTION  
11 ) FOR ATTORNEY'S FEES  
12 )

13 MARYLAND CASUALTY COMPANY, and )  
14 DOES 1 through 50, )  
15 Defendants. )  
16 )

17 JAMES JARDINE, )  
18 Plaintiff, )  
19 v. )  
20 EMPLOYERS FIRE INSURANCE )  
21 COMPANY, and DOES 1 through 50, )  
22 Defendants. )  
23 )

24 On January 5, 2012, the Court entered Judgment in this matter  
25 in favor of Defendant Employers Fire Insurance Company  
26 ("Employers") and against Plaintiff James Jardine ("Jardine"). ECF  
27 No. 69 ("Jan. 5, 2012 J."). Having prevailed on summary judgment,  
28 Employers now seeks to recover reasonable attorney's fees. ECF No.  
71 ("Mot."). Jardine opposes the motion for fees. ECF No. 78  
("Opp'n"). On January 23, 2012, Jardine filed a Notice of Appeal

1 as to the January 5, 2012 Judgment. ECF No. 73 ("Not. of Appeal").  
2 The outcome of Jardine's appeal may substantially affect Employers'  
3 eligibility to recover attorney's fees. As such, it would be  
4 premature to award Employers' fees at this time. The Court  
5 therefore DENIES Employers' Motion WITHOUT PREJUDICE. If eligible  
6 at that time, Employers may renew the request for fees following  
7 the appeal.

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9 IT IS SO ORDERED.

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11 Dated: March 13, 2012

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13 UNITED STATES DISTRICT JUDGE  
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